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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,797	01/29/2004	Vernal J. Comeaux	10303-62177	5558

7590 08/30/2005

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EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <sup>e</sup>
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10/767,797

EXAMINER
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ART UNIT	PAPER
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08242005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's response of August 12, 2005 has been studied carefully.

The reply filed on August 12, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): it does not elect a single disclosed species for prosecution as does not list the claims readable on that single disclosed species. See MPEP 708.02, Section VIII (Special Examining Procedure....) and MPEP 809.02(a). Instead the August 12, 2005 response elects prosecution of claims 11-15 covering a multiplicity of species (apparently corresponding to all of Figures 5, 6 and 7). Such a reply is not acceptable, because it does not elect a single species and identify those claims that read on that single species.

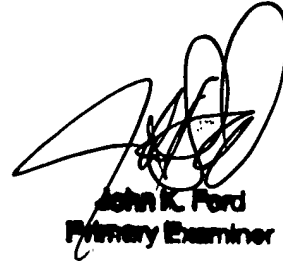
The Examiner is also concerned that original claim 1 was apparently drawn to the combination of a two pipe hydronic system and a tank by virtue of the significant references back to the preamble of original claim 1 from the body of the claim (e.g. first valve means connecting said first portion of said tank to said supply line etc.) and the prior art was searched based on that basis. As currently amended claim 1 makes no references back to the preamble, leading the Examiner to wonder if a tank with some pipes and valves is all now all that is being claimed. There is a difference between claiming broadly and eliminating elements from the previously claimed combination. In general applicants are not permitted to switch inventions after prosecution has commenced. See MPEP 819, incorporated here by reference. Please address some comments to the scope of claim 1 so that the Examiner can ascertain whether applicant has in fact attempted to change from a combination claim (of a tank, valves and two-pipe hydronic system) to sub-combination claim (of a tank and valves, *per se*). The

Art Unit: 3753

Examiner would welcome a clarification, by amendment, that amended claim 1 is drawn to the same overall combination of elements as original claim 1 (which was the elected combination, by original presentation) and not switching to a new sub-combination.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 571-272-4911.



John K. Ford  
Primary Examiner